

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

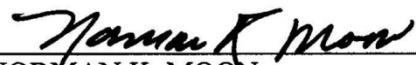
UNITED STATES OF AMERICA)	Criminal Case No. 6:02cr70044
)	
)	<u>ORDER</u>
v.)	
)	By: Norman K. Moon
EMMA JEAN DAVIS)	United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is hereby ordered that defendant's motion to investigate if defendant is eligible for a sentence reduction and to be accepted for timeliness (Docket No. 39) is **DENIED**, defendant's § 2255 motion (Docket No. 37) is **DISMISSED** as untimely filed, and this action is **STRICKEN** from the active docket of the court.

Based upon the court's finding that the defendant has not made the requisite showing of the denial of a constitutional right, a certificate of appealability is also **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the defendant.

ENTER: This 8th day of August, 2013.


Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE